

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 3-6, 8-12, 15 and 16 are pending in the application, with claims 1, 6, 11 and 12 being the independent claims. Claims 2, 7, 13 and 14 were previously canceled. Claims 1, 3, 6, 8, 11, and 12 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1, 3-6, 8-10, 12, 15, and 16

In section 3 of the Office Action, the Examiner maintained the rejection of claims 1, 3-6, 8-10, 12, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,438,123 to Chapman (hereinafter "Chapman") in view of U.S. Patent No. 6,732,179 to Brown *et al.* (hereinafter "Brown"). Applicants respectfully traverse this rejection.

Independent claim 1, as amended, calls for a cable modem that is adapted to receive data packets from the user device, to modify the contents of said data packets in accordance with a non-DOCSIS-compliant data transfer protocol, to append a unique hardware address of said headend server to said modified data packets, and to transfer said modified data packets to said cable modem termination system.

Chapman describes a method and apparatus for supporting header suppression and multiple microflows in a network. In Chapman, suppressed header packet encapsulation is achieved by suppressing the Ethernet header 38 (except for the CRC 46), the UDP header 42, and the IP header 40 of an audio packet 30. Chapman, Col. 4, lines 29-32; Fig. 3. However, nothing in Chapman teaches or even suggests a cable modem that is adapted to append a unique hardware address of said headend server to said modified data packets, as set forth in Applicants' claim 1, as amended. For example, Chapman does not even suggest that a unique hardware address of a headend server is appended to the suppressed header packet encapsulation shown in Fig. 3 of Chapman.

Applicants assert that Brown does not provide the teachings missing from Chapman. Thus, Applicants further assert that independent claim 1, as amended, is patentable over Chapman and Brown, alone or in any rational combination.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1.

Moreover, claims 3-5, which depend from independent claim 1, also distinguish over Chapman and Brown, alone or in any rational combination, for reasons similar to those set forth above with respect to independent claim 1, as amended, and further in view of their own respective features.

Independent claim 6, as amended, calls for a cable modem termination system that is adapted to receive the data packets and to transfer the data packets to said headend server in accordance with a unique hardware address of said headend server that is appended to the data packets. However, Applicants assert that nothing in

Chapman teaches or even suggests this feature. In fact, Chapman makes no mention of a unique hardware address of a headend server being appended to the data packets at all.

Applicants assert that Brown does not provide the teachings missing from Chapman. Thus, Applicants further assert that independent claim 6, as amended, is patentable over Chapman and Brown, alone or in any rational combination.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 6.

Furthermore, claims 8-10, which depend from independent claim 6, also distinguish over Chapman and Brown, alone or in any rational combination, for reasons similar to those set forth above with respect to independent claim 6, as amended, and further in view of their own respective features.

Independent claim 12, as amended, calls for appending a unique hardware address of a headend server to the modified data packets. However, Applicants assert that nothing in Chapman teaches or even suggests this feature.

Applicants assert that Brown does not provide the teachings missing from Chapman. Thus, Applicants further assert that independent claim 12, as amended, is patentable over Chapman and Brown, alone or in any rational combination.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 12.

Moreover, claims 15 and 16, which depend from independent claim 12, also distinguish over Chapman and Brown, alone or in any rational combination, for

reasons similar to those set forth above with respect to independent claim 12, as amended, and further in view of their own respective features.

Claim 11

In section 4 of the Office Action, the Examiner maintained the rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Chapman in view of U.S. Patent No. 6,510,162 to Fijolek *et al.* (hereinafter "Fijolek"). Applicants respectfully traverse this rejection.

Independent claim 11, as amended, calls for a cable modem that is adapted to receive data packets from the user device, to modify the contents of said data packets in accordance with a non-DOCSIS-compliant data transfer protocol, to append a unique hardware address of said headend server to said modified data packets, and to transfer said modified data packets to said cable modem termination system. Applicants assert that Chapman does not teach or even suggest this feature. For example, nothing in Chapman even suggests a cable modem that is adapted to append a unique hardware address of said headend server to said modified data packets, as set forth in Applicants' claim 11, as amended.

Applicants assert that Frijolek does not provide the teachings missing from Chapman. Thus, Applicants further assert that independent claim 11, as amended, is patentable over Chapman and Frijolek, alone or in any rational combination.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 11.

Other Matters

In section 1 of the Office Action, the Examiner alleged that the Supplemental Information Disclosure Statement filed 9/1/05 fails to comply with 37 CFR 1.98(a)(2). Specifically, the Examiner stated that no copy of cite no. NPL1 was received with the submission filed 9/1/05. Accordingly, Applicants provide herewith a Second Supplemental Information Disclosure Statement, listing cite no. NPL1, along with a copy of the reference.

Applicants acknowledge with appreciation the Examiner's consideration of the US patent documents listed in the First Information Disclosure Statement filed 9/1/05.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Bryan S. Wade". The signature is fluid and cursive, with the first name "Bryan" being more prominent.

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